IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 4120 of 2000

Between:

D.V.U.Annapurna D/o.Late Ramachandra Raju
R/o.Rest House Road, Pathiwada Street
Bhimavaram.

..... PETITIONER

AND

1 District Judge
Eluru W.G.Dist.
2 I.Addl.Junior Civil Judge
Bhimavaram W.G.Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ by calling for the records relating to the proceedings of Second Respondent in Dis.no.418 dated 29-11-99 and quash the same by declaring that the said proceedings are contrary to G.O.Ms.No.44, Fin. &Plg. (TA) Dept, dated 6-2-80 and G.O.Ms.no.75 dated 25-3-1987, violative of principles of natural justice,arbitrary and illegal and pass such other order or orders.

Counsel for the Petitioner:SMT.A.ANASUYA

Counsel for the Respondent Nos. 1 and 2.: SMT.M.BHASKARA LAKSHMI (SC FOR APHC)

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Order dated 29.11.1999 passed by the I Additional Junior Civil Judge, Bhimavaram is under challenge. By the said order, an amount of Rs.50,927/- drawn by the petitioner as Special Pay is sought to be recovered in instalments.

Petitioner was appointed as Copyist on 3.8.1977 at District Court, Eluru and on promotion, she was posted as Telugu Typist in the Court of Principal District Munsif, West Godavari District, Eluru with effect from 1.9.1985. Subsequently, she was transferred to the Court of I Additional Munsif Magistrate, Tanuku in June, 1986 and then to the Court of I Additional Junior Civil Judge, Bhimavaram. While so, she was assigned with the work of English Typewriting in addition to normal Telugu Typewriting work as per the order of the I Additional Munsif Magistrate. The Pay Drawing Officer has to append a Certificate to the Pay Bills certifying that the Telugu Typist to whom the Special Pay is drawn has actually attended to both English and Telugu Typewriting works during the relevant month. Petitioner, as such, has been drawing Special Pay as per various G.Os., issued by the Government from time to time till the year 1985. While so, the Telugu Typewriter provided to the Court of I Additional Junior Civil Judge was surrendered to the District Court on 5.6.1995. Another English typewriter was provided to the petitioner and ever since she had been discharging her duties on English Typewriter.

Petitioner, admittedly, as per her Service Record is a qualified S.S.C., having typewriting English and Telugu Higher Grades as additional qualifications and as per the proceedings of the District Court, dated 27.4.1985 was joined as Telugu Typist and worked both on Telugu Typewriter as well as English Typewriter in addition to her normal duties. It was on the basis of proceedings dated 17.5.1985 which originated on the basis of some audit report, that Munsif Magistrate, Chintalapudi was informed that Telugu Typist is not entitled to Special Pay for attending to English Typing work where there was a post of Steno-Typist for attending to English typing work. Therefore, the District Judge addressed a communication to Munsif Magistrate, Chintalapudi to recover the excess amount of Special Pay paid to Telugu Typist and to remit the same to Government. This communication, dated 17.5.1985, had nothing to do with the petitioner. But, a copy of this communication appears to have been sent to all Munsif Magistrates, as a result of which, the order impugned came to be passed and the same is under challenge in this petition.

G.O. Ms. No.44, dated 6.2.1980 issued by the Government clarified that the Special Pay will be admissible to those persons who in addition to English Typewriting and Shorthand are qualified in both Telugu or Urdu Typewriting and Shorthand subject to the condition that the Typists and Stenographers who were qualified in Telugu and Urdu Typewriting and Shorthand have passed the examination conducted by the Director of Technical Education and the Pay Drawing Officer should certify every month that the Typist to whom Special Pay is drawn actually attended both Urdu and English Typewriting work.

In this case, petitioner was paid Special Pay on the strength of the Certificate appended to the Pay Bills for having attended to Telugu and English typewriting work at the relevant point of time. Petitioner's entitlement to Special Pay could not be disputed as per G.O.Ms. Nos. 44 and 75, dated 6.2.1980 and 25.3.1987.

For that reason, the writ petition deserves to be allowed and the impugned order deserves to be set aside.

The writ petition is accordingly allowed and the impugned order dated 29.11.1999 is set aside. No costs.

DEVINDER GUPTA, CJ

Date: 17th November, 2004

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C.V.RAMULU,J

Pnb

Rule Nisi is made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the Seventeenth day of November, 2004

To

1 The District Judge
Eluru, W.G.Dist.
2 The I.Addl.Junior Civil Judge,
Bhimavaram, W.G.Dist.

3 Two C.D. copies